

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 1:18-cv-24227-CMA

JASON MILLER,

Plaintiff,

v.

GIZMODO MEDIA GROUP, LLC,
a Delaware Corporation, KATHERINE
KRUEGER, individually, and
WILL MENAKER, individually,

Defendants.

**MOTION TO EXTEND DEADLINE IN WHICH
TO AMEND PLEADINGS AND ADD PARTIES**

Plaintiff, Jason Miller (“Miller” or “Plaintiff”), by counsel, moves to extend the deadline in which to amend pleadings and to add parties set forth in the Order Setting Trial and Pre-Trial Schedule, Requiring Mediation, and Referring Certain Matters to Magistrate Judge [Doc. 19] (the “Order”), and states as follows:

1. On November 7, 2018, the Court entered the Order, which set December 19, 2018, as the deadline to file motions to amend pleadings or join parties.
2. On November 30, 2018, Plaintiff served interrogatories, requests for production and requests for admissions on Gizmodo Media Group, LLC (“Gizmodo”) and Katherine Krueger (“Krueger”); and personal jurisdiction interrogatories and requests for production on Will Menaker (“Menaker”). Responses to said discovery are due on or about December 31, 2018.

3. Around that same time, Plaintiff issued subpoenas for documents to a central non-party, Arlene Delgado (“Delgado”), and her former counsel. On December 17, 2018, Delgado served her Objection to “Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action” [Doc. 47] (the “Objection”). Plaintiff is in the process of moving to compel Delgado’s production of the documents sought in the subpoena.

4. Plaintiff will need responses to the discovery served on Defendants and the resolution of the Objection in order to make a determination regarding amending his pleadings or adding parties and respectfully requests that the Court extend the deadline to and including February 19, 2019.

5. The information sought through pending discovery includes the source of the court filing Gizmodo and Krueger published on September 21, 2018 and Menaker’s contacts with Florida. The source could impact the factual and legal basis of Miller’s pending claims—which are subject to a pending Motion to Dismiss [Doc. 44]—in response to which Miller may seek leave to amend, and jurisdictional discovery may also impact Miller’s jurisdictional allegations related to Menaker, for which amendment may be sought.

6. The requested extension will not impact the trial date which is presently set for the trial term beginning September 3, 2019; the deadline to file pre-trial motions set for May 21, 2019; or the deadline to complete mediation (May 13, 2019).

7. This request for extension of time is made in good faith and is not for the purpose of delay. The requested extension will not prejudice any party or the Court.

WHEREFORE, Plaintiff, Jason Miller, respectfully requests that the Court extend the deadline within which to add parties or amend pleadings to February 19, 2019.

Good Faith Certification Pursuant to Local Rule 7.1(a)(3)

Counsel for Plaintiff attempted to confer with counsel for Defendants in good faith, but did not receive a response by the deadline to file this motion.

Dated: December 19, 2018.

Respectfully submitted,

/s/ Shane B. Vogt

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 19, 2018, the foregoing document was filed with the Court's CM/ECF system, which will send electronic notice to all counsel of record.

/s/ Shane B. Vogt

Attorney